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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,790	05/26/2005	Oliver Lapp	E-HE-0039	2875

21495 7590 06/27/2007

CORNING CABLE SYSTEMS LLC  
C/O CORNING INC., INTELLECTUAL PROPERTY DEPARTMENT  
SP-TI-3-1  
CORNING, NY 14831

EXAMINER
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DOAN, JENNIFER

ART UNIT	PAPER NUMBER
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2874

MAIL DATE	DELIVERY MODE
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06/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/536,790	<b>Applicant(s)</b> LAPP, OLIVER	
	<b>Examiner</b> Jennifer Doan	<b>Art Unit</b> 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-35 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-35 is/are allowed.
- 6) ☒ Claim(s) 37,39 and 40 is/are rejected.
- 7) ☒ Claim(s) 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant's communication filed on March 01, 2007, has been carefully studied by the Examiner. The arguments advanced therein, considered together with the amendment made to the claims, are persuasive. However, in view of further study, Kerry et al. (U.S. 5,457,763) is found applicable to the claims; therefore, a new rejection is set forth below. This action is **not** made final.

#### ***Specification***

1. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wambeke et al. (WO 00/65397) in view of Kerry et al. (U.S. 5,457,763).

With respect to claim 37, Wambeke et al. (figures 2 and 3) disclose a device for storing and handling optical waveguides comprising a frame (12) and a plurality of splice cases (13) arranged one above the other on a front side and on a rear side of the frame (12) and pivotably fastened to the frame, and guiding channels arranged within the splice cases such that the optical fibers are guided within the splice cases in a circular manner (see figure 3).

Wambeke et al. do not explicitly disclose the guiding channels are arranged such that at least three interlinked and overlapping circular guides are formed in each splice case.

However, Kerry et al. (figure 1) teach the guiding channels are arranged such that at least three interlinked and overlapping circular guides (23, 24, 23) are formed in each splice case (13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the splice case structure of Wambeke's device to include the guiding channels are arranged such that at least three interlinked and overlapping circular guides are formed in each splice case (accordance with the teaching of Kerry et al.) for the purpose of protecting the optical fibers to obtain higher efficiency of optical signal transmission.

With respect to claims 39 and 40, Wambeke et al. substantially disclose all the limitations of the claimed invention except the circular guides are aligned in relation to one another such that the optical fibers can be guides in a circular manner with

approximately the same radii, irrespective of their length and the storage space for excess lengths of the optical fibers is formed in lateral portions of the splice cases.

However, Kerry et al. (figure 1) teach the circular guides (23, 24, 23) are aligned in relation to one another such that the optical fibers can be guides in a circular manner with approximately the same radii, irrespective of their length (see figure 1) and the storage space for excess lengths of the optical fibers is formed in lateral portions of the splice cases (13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the splice case structure of Wambeke's device to with the circular guides aligned in relation to one another such that the optical fibers can be guides in a circular manner with approximately the same radii, irrespective of their length and the storage space for excess lengths of the optical fibers is formed in lateral portions of the splice cases (accordance with the teaching of Kerry et al.) for the purpose of protecting the optical fibers to obtain higher efficiency of optical signal transmission.

***Allowable Subject Matter***

4. Claim 38 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose or reasonably suggest the device, wherein the circular guides are aligned in relation to one another such that the circular guides

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merge tangentially with one another in a central portion of the splice cases as recited in claim 38.

5. Claims 23-35 are allowed.

Please see the reason for allowance of claims 23-35 in the previous office action.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 23-35 and 37-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jennifer Doan  
Primary Examiner

JD

June 21, 2007